

109TH CONGRESS
2D SESSION

S. 2277

To promote accountability and prevent fraud in Federal contracting.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2006

Mr. DURBIN (for himself, Mr. DORGAN, Mr. JOHNSON, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To promote accountability and prevent fraud in Federal contracting.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reconstruction Ac-
5 countability and Fraud Prevention Act of 2005”.

6 **SEC. 2. ACCOUNTABILITY IN FEDERAL CONTRACTING.**

7 (a) IN GENERAL.—Except as provided in subsection

8 (b), none of the funds appropriated or otherwise made

9 available by the Emergency Supplemental Appropriations

10 Act to Meet Immediate Needs Arising From the Con-

1 sequences of Hurricane Katrina, 2005 (Public Law 109–
2 61), by the Second Emergency Supplemental Appropria-
3 tions Act to Meet Immediate Needs Arising From the
4 Consequences of Hurricane Katrina, 2005 (Public Law
5 109–62), or through the Iraq Relief and Reconstruction
6 Fund may be obligated or expended in connection with a
7 contract or covered task order entered into after the date
8 of the enactment of this Act with a contractor that, during
9 the previous 5 years—

10 (1) has been found by an executive agency or
11 any Inspector General to have overcharged or im-
12 properly billed the Federal Government by a total of
13 at least \$10,000,000 through one or more over-
14 charges;

15 (2) has been found by an executive agency or
16 any Inspector General to have committed one or
17 more fraudulent acts resulting in total costs or
18 losses to the Federal Government of at least
19 \$10,000,000; or

20 (3) has been suspended or debarred for a period
21 of at least one year under the Federal suspension
22 and debarment regulations.

23 (b) NATIONAL SECURITY WAIVER.—The President
24 may waive the restrictions under subsection (a) on a case-
25 by-case basis if the President determines that such waiver

1 is in the national security interest of the United States
2 and submits to the appropriate congressional authorities
3 a report describing the reasons for such determination.

4 (c) DEFINITIONS.—In this Act:

5 (1) APPROPRIATE CONGRESSIONAL AUTHORITIES.—The term “appropriate congressional authori-
6 ties” means—
7

8 (A) the majority leader and the minority
9 leader of the Senate;

10 (B) the Speaker of the House of Rep-
11 resentatives and the minority leader of the
12 House of Representatives; and

13 (C) the Committees on Appropriations of
14 the Senate and the House of Representatives.

15 (2) COVERED TASK ORDER.—The term “cov-
16 ered task order” means a task order valued at more
17 than \$10,000,000 entered into pursuant to a con-
18 tract entered into before the date of the enactment
19 of this Act.

20 (3) EXECUTIVE AGENCY.—The term “executive
21 agency” has the meaning given that term in section
22 4 of the Office of Federal Procurement Policy Act
23 (41 U.S.C. 403).

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